

**Amendment Under 37 C.F.R. § 1.116
U.S. Application No.: 10/806,453**

Attorney Docket No.: Q80636

REMARKS

Claims 1-7 and 9-12 are pending in the present application. Claim 9 has been amended to depend from claim 1, instead of canceled claim 8, and the amendment is direct to form only.

Entry of the above amendment is respectfully requested.

I. Response to Rejection of Claim 9 under 35 U.S.C. § 112, second paragraph

Claim 9 is rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The Examiner asserts that claim 9 is vague and indefinite since it depends from a canceled claim.

Claim 9 has been amended to depend from claim 1. Accordingly, it is respectfully requested that the rejection be withdrawn.

II. Response to Double Patenting Rejections Over copending Application No. 10/503,894 and 10/807,442

A. Claims 1-12 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 8-11, 13, 15, 18, 20 and 24-26 of copending Application No. 10/503,894 (US 2005/0178288) for the reasons of record.

B. Claims 1-11 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1 and 9-14 of copending Application No. 10/807,442 (US 2004/0200385) for the reasons of record.

Without conceding in the merits of the rejections and to advance prosecution, Applicants submit herewith terminal disclaimers to disclaim the terminal part of any patent granted on this application which would extend beyond the expiration of the full statutory term of any U.S.

Patent issuing from Application No. 10/503,894 and the full statutory term of U.S. Patent 7,077,894 (Application No. 10/807,442 has issued as U.S. Patent 7,077,894).

In addition, Applicants submit that the filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection.

In view of the above, withdrawal of the non-statutory obviousness-type double patenting rejections is respectfully requested.

III. Response to Rejection of Claims 1-5, 7, 9 and 11 Under 35 U.S.C. §102(b)

Claims 1-5, 7 and 11 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Kabalnov (US 6,261,350) for the reasons of record.

Applicants respectfully traverse the rejection.

The Examiner asserts that Kabalnov teaches the use of Direct Blue 199, which is an anionic dye having four heterocyclic groups in the phthalocyanine skeleton (i.e., an anionic dye having at least two heterocyclic groups) and that claims 1 and 2 would broadly cover the Direct Blue 199 of Kabalnov appears reasonable.

Applicants respectfully disagree.

Independent claims 1 and 2 recite that each ink contains at least one dye having an anionic group and at least two heterocyclic groups.

Kabalnov discloses a dye-based ink-jet printing system comprising cyan, yellow, and magenta inks. Direct Blue 199 is a cyan dye, and therefore, could be contained in a cyan ink. However, it would not be contained in a yellow ink or a magenta ink. Therefore, Kabalnov does not disclose, teach or suggest an ink set where each of the inks in the ink set contains a

dye having an anionic group and at least two heterocyclic groups. Thus, Kabalnov does not anticipate claims 1 and 2.

For the above reasons, it is respectfully submitted that claims 1-5, 7, 9 and 11 are patentable over Kabalnov, and withdrawal of the rejection is respectfully requested.

IV. Response to Rejection of Claims 1, 2, 4, 5, 9 and 11 Under 35 U.S.C. §103(a)

Claims 1, 2, 4, 5 and 11 remain rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Berger et al. (US 2004/0163568).

Applicants respectfully traverse the rejection.

The Examiner asserts that the R₁ and R₂ substituents of the metallized dye each independently are a solubilizing group, such as sulfonate and carboxylate, and that the formula contains two heterocyclic groups. Therefore, the Examiner considers the metallized dye of Berger to be an anionic dye containing at least two heterocyclic groups, and takes the position that claims 1 and 2 would broadly cover the metallized dye of Berger.

Applicants respectfully disagree.

Berger discloses a ink jet printing set comprising cyan, yellow, and magenta inks. The dye represented by formula (II) is used in a yellow ink, but is not used in a cyan ink or a magenta ink. Thus, similar to Kabalnov, Berger does not disclose, teach or suggest an ink set where each of the inks in the ink set contains a dye having an anionic group and at least two heterocyclic groups. Accordingly, Berger does not anticipate independent claims 1 and 2.

For the above reasons, it is respectfully submitted that claims 1, 2, 4, 5, 9 and 11 are patentable over Berger, and withdrawal of the rejection is respectfully requested.

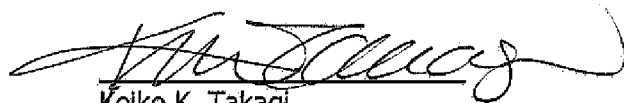
V. Conclusion

In view of the above, reconsideration and allowance of claims 1-7 and 9-12 is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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